IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 10TH JULY 2007 / 19TH ASHADHA 1929

WP(C).No. 20190 of 2007(C)

PETITIONERS:

---

1. K.M.ABDU, S/O MAMU,
   RETIRED SIDER, EDARIKKODE TEXTILES,
   KAVUKUNNATHU HOUSE, PAVITTUPURA, MALAPPURAM.

2. V.KUNJARAMU, S/O MOIDEEN VADAKKAN,
   RETIRED SIDER, EDARIKKODE TEXTILES,
   KOTTAKKAL, CHANGUVETTIKKUNDU.

3. T.K.ABOOBACKER, S/O MOIDEEN,
   RETIRED SIDER, EDARIKKODE TEXTILES,
   THACHARAKKUNNAM HOUSE, ERUMPURN P.O.,
   MALAPPURAM.

4. P.N.ABDULLAI, S/O KUNJU MOHAMMED,
   RETIRED SPINNING SIDER, EDARIKKODE TEXTILES,
   PUTHIYA NALAKATH HOUSE, CHETTIPPADI P.O.,
   MALAPPURAM.

5. N.C.YOUSEF, S/O CHELLAN,
   RETD. CLENING GANG EDARIKKODE TEXTILES,
   CHERUNGAPPARAMBU, NOCHIPPULLY P.O.,
   MUNDUR, PALAKKAD.

6. K.SAHADEVAN, S/O KASU,
   RETD. SPINNING SIDER, EDARIKKODE TEXTILES,
   ANAKKAMPARAMBIL HOUSE, KUNISSERY P.O.,
   ALATHUR, PALAKKAD.

7. P.S.SUBRAMANIAN, S/O SANKARAN NAIR,
   RETD. HEAD CLERK, EDARIKKODE TEXTILES,
   PANAYANKANDATH MADOM, MANISSERY,
   OTTAPPALAM, PALAKKAD.

8. VELAYUDHAN, S/O AYYAPPAN KUTTY,
   RETD. WINDING EDARIKKODE TEXTILES,
   PARAPPUR P.O., KOTTAKKAL, MALAPPURAM.

9. SIVADASAN, S/O CHATTAPPAN,
RETD. FITTER ASST. EDARIKKODE TEXTILES,
POKKATTU HOUSE, EDARIKKODE,
MALAPPURAM DISTRICT.

10. K.P.A.CHANDRASHEKHARAN, S/O KRISHNAN,
RETD. WINDING EDARIKKODE TEXTILES,
SREEKRISHNA NIVAS, KUNIYANPARAMBU,
PULAD NAGAR NALLALAM, KOZHIKKODE.

11. C.ABDUL LATHEEF, S/O MUHAMMED,
RETD. EDARIKKODE TEXTILES,
CHEKKATH VEEDU, VALAKKULAM,
POOKIPPARAMBU, MALAPPURAM.

12. K.P.MURALEEDHARAN, S/O KRISHNA PANIKKAR,
RETD. SPINNER SIDER EDARIKKODE TEXTILES,
THIRUVNURNADA, KOZHIKKODE.

13. M.ARAVINDAKSHAN, S/O P.KRISHNAN NAIR,
RETD. CORDING EDARIKKODE TEXTILES,
MULLASSERY HOUSE, CHENAKKOLANGAL,
MALAPPURAM.

14. MANI.I, S/O RAMAN IKKADAN,
RETD. WINDING EDARIKKOD TEXTILES,
KUZHIPPURAM, CHINAKKAL, MATTATHUR,
MALAPPURAM.

15. KAREEM.U., S/O MUHAMMED,
RETD. SPINNING SIDER EDARIKKODE TEXTILES,
KAVAPPU, ARUSSERY, PONMENDAM VIA, MALAPPURAM DIST.

16. P.AYYAPPAN, S/O KANDAN,
RETD. SPINNING CLEANING EDARIKKODE TEXTILES,
PANAKKAMPATTA HOUSE, ALIPURAM P.O.,
ANAMGAD, MALAPURAM.

17. K.BALAKRISHNAN, S/O KUNJUTTY PANICKER,
RETD. DOFF/CONE CARRIER, EDARIKKODE TEXTILES,
KALARICKAL HOUSE, CHERUVALLOOR P.O.,
KONDOTTY MALAPPURAM.

18. T.MUSTAFFA, S/O MOIDEEN,
RETD. FITTER ASSISTANT, EDARIKKODE TEXTILES,
THOTTUNKAL HOUSE, VATTATHUPEDICA,
THIRURANGADI VIA, MALAPPURAM.

19. ALAVIKKUTTI, S/O MOOSA,
RETD. SPINNING SIDER, EDARIKKODE TEXTILES,
THAYYIL HOUSE, POOLAPARAMBU P.O., EDARIKKODE.

20. K.ABDULLA, S/O KUNJU MUHAMMED,
RETD. SPINNING CLEANING, EDARIKKODE TEXTILES,
KAPRADAN VEEDU KARATHODE, URAKARI MELMURI,
MALAPPURAM.

21. SAITHALAVI, S/O KAMMUKUTTI,
RETD. WINDING EDARIKKODE TEXTILES,
EDATHADATHIL, CHATHIPARAMBA POST KODUR,
MALAPPURAM.

22. E.KUNJOTHA, S/O NADIKUTTY,
RETD ELECTRICIAN EDARIKKODE TEXTILES,
ELAMBILAKKATHA CHENGOTTUR POST KOTTAKKAL,
MALAPPURAM.

23. V.A.NAZER, S/O SAITHALAVI HAJI,
RETD. SPINNING SIDER, EDARIKKODE TEXTILES,
MUTHEDATHU PARAMBU HOUSE, KAVANNUR MALAPPURAM.

24. V.MOIDUTTY, S/O ABDULLA,
RETD.FITTER HELPER, POOVATHANI,
CHETHALLUR, PALAKKAD.

25. P.A.KRISHNAN, S/O PARAMESWARAN,
RETD.SPINNING SIDER, THANATT HOUSE,
MELMURI, MALAPPURAM.

BY ADV. SRI.A.R.GANGADAS
SRI.K.R.RAJKUMAR

RESPONDENTS:
---

1. STATE OF KERALA, REPRESENTED BY THE
SECRETARY, INDUSTRIAL DEPARTMENT,
THIRUVANANTHAPURAM.

2. THE SECRETARY,
PUBLIC SECTOR RESTRUCTURING INNTERNAL AUDIT BOARD,
5TH FLOOR, CMD BUILDINGS, C.V.RAMAN PILLAI ROAD,
THYCADU, THIRUVANANTHAPURAM.

3. CHAIRMAN, STEERING COMMITTEE,
SSNP, THIRUVANANTHAPURAM.

4. MANAGING DIRECTOR,
KERALA STATE TEXTILE CORPN.,
THIRUVANANTHAPURAM.

5. THE GENERAL MANAGER,
EDARIKKODE TEXTILES,
PUTHUPARAMBA P.O., EDARIKKODE,
MALAPPURAM.

BY STANDING COUNSEL SRI.B.S.KRISHNAN.
BY GOVT. PLEADER SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 20190 OF 2007 - C

Dated this the 10th day of July, 2007

J U D G M E N T

The petitioners are employees of the Kerala State Textile Corporation Ltd., Thiruvananthapuram. They opted for Voluntary Retirement Scheme (VRS) under the Social Safety Net Programme for state level public undertakings of the Government of Kerala as per G.O(P) No.73/2003/ID dated 24.6.2003. Their applications for availing of VRS were accepted. As per Ext.P2 settlement entered into between the Corporation and its Unions, the computation of VRS amount to those who opt the Social Safety Net Programme were to be on the basis of revised wages. The complaint of the petitioners in this writ petition is that in spite of Ext.P2 settlement which was approved by the Government as per Ext.P3, the Corporation is not paying them the VRS amount as per the revised wages, but is prepared to give only VRS amount calculated as per the pre-revised wages.

2. The learned Standing Counsel appearing for the Corporation submits that they do not dispute Ext.P2. However, by letter dated 13.2.2006, the second respondent informed the Corporation that the basis of computation of retirement compensation is erroneous, since Ext.P2 is pending approval by the Government. He further submits that by Ext.P3, the Government has approved Ext.P2 settlement only for a period of five years with effect from the date of the Government Order which is 5.7.2006. Therefore, according to the Standing Counsel, the petitioners are not entitled to the benefit of Ext.P2.

3. I am not inclined to accept the contentions of the Corporation. Admittedly, the Corporation have entered into Ext.P2 settlement in which they have agreed to pay the VRS compensation to the petitioners on the basis of revised wages. That settlement has been

approved as per Ext.P3 Government Order dated 5.7.2006. Once it approved, it relates back to the date of Ext.P2 and therefore, the Corporation cannot contend that since by Ext.P3, the Government approved Ext.P2 only with effect from 5.7.2006, the petitioners are not entitled to the benefit of Ext.P2. After having entered into a long term settlement with the unions agreeing to pay the VRS compensation on the basis of revised wages, the Corporation cannot turn round and say that they will pay VRS compensation only on the basis of pre-revised wages, especially since the Government has, by Ext.P3, approved Ext.P2 settlement.

4. Accordingly, I allow this writ petition and direct the respondents to pay the difference in VRS compensation to the petitioners in accordance with Ext.P2. If respondents 4 and 5 have got a case that the funds have to come from the second respondent, they

have to take it up with the second respondent by producing a copy of this judgment. The balance amount due to the petitioners shall be paid within a period of three months from the date of receipt of a copy of this judgment.

Sd/-

S. SIRI JAGAN,
Judge

Mbs/

-True Copy-

P.A.to Judge.

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007